

Emergency Bank Protection



What the Corps Can Do

Section 14 of the 1946 Flood Control Act, as amended, permits construction of bank protection works to protect endangered highways, highway bridge approaches, and other essential, important public works such as municipal water supply systems and sewage disposal plants; churches, hospitals, schools, and other non-profit public services; and known cultural sites that are endangered by flood-caused bank or shoreline erosion. Repair, restoration, and/or modification of the eroding streambank is allowed. Procedures followed for Section 14 projects are designed to expedite implementation. The time required from initiation of a study to award of a construction contract should not exceed 12 months.

Section 14 covers only protection of important and essential public facilities which serve the general public. In addition to major highway systems of national importance, eligible highways may also include principal highways,

streets, and roads of special and significant importance to the local community. Examples are arterial streets, important access routes to other communities and adjacent settlements as well as roads designated as primary farm to market roads.

Privately owned riverfront and privately owned facilities are not eligible for protection under the Section 14 authority. Erosion protection is not eligible under Section 14 if the problem is caused by the design or operation of the facility itself or by inadequate drainage or lack of reasonable maintenance. Repair of the facility itself is also excluded under Section 14.

A bank protection project must be designed to be an effective and successful operation. Each project constructed must be economically justified, and the maximum Federal expenditure per project is limited to \$1,000,000. If the project cost exceeds the \$1,000,000 Federal cost limit, the difference must be provided by local cash contribution. Studies are accomplished at full Federal expense up to \$40,000; the remainder is cost shared. Projects are cost shared. Non-Federal interests are required to contribute a minimum of 35 percent of the project costs, of which at least 5 percent of the total cost must be contributed in cash.

Local Responsibilities

Local sponsorship for a Section 14 project must be provided by a State, local agency, or Indian Tribe empowered with sufficient legal and financial authority to comply fully with all required local cooperation and partici-

Emergency Bank Protection

pation. The local sponsoring agency must agree to:

1. Provide without cost to the United States all lands, easements, and rights-of-way necessary for construction of the project.
2. Accomplish without cost to the United States all required alterations and relocations in sewer, water supply, drainage, and other utility facilities.
3. Hold and save the United States free from damages due to the construction works, not including damages during construction, operation and maintenance that are due to the fault or negligence of the United States or its contractors.
4. Maintain the project after completion.
5. Assume full responsibility for all project costs in excess of the Federal cost limit of \$1,000,000 or to satisfy local cost sharing requirements.
6. Provide a cash contribution for project costs in proportion to any special benefits to non-public property.
7. Contribute a minimum of 35 percent up-front financing for construction. At least 5 percent of the total cost must be a cash contribution.

How to Request a Study

An investigation under Section 14 may be initiated after receipt of a formal request from the prospective sponsoring agency. An example of an acceptable resolution is given above. This request and any further inquiries concerning an emergency bank protection project should be made directly to:

Sample Resolution

Be it resolved that the (City Council, Tribal Council, County Board of Commissioners, etc.) requests the U.S. Army Corps of Engineers to conduct studies to determine the feasibility of developing an emergency streambank or shoreline protection project at (location) under the authority provided by Section 14 of the 1946 Flood Control Act, as amended.

The (City Council, etc.) acknowledges that it is aware of the Section 14 local responsibilities and that the (City, etc.) has the ability to proceed within 12 months if it is found feasible and advisable to develop a streambank or shoreline protection project at (location). The (City Council, etc.) further acknowledges that it would be required, before construction commences, to enter into a contractual agreement to provide such local cooperation as may be prescribed by the Secretary of the Army.

The (Clerk, Secretary, etc.) of the (City Council, etc.) shall be, and is hereby, directed to transmit three copies of this resolution to the District Engineer, St. Paul District, U.S. Army Corps of Engineers, 190 5th Street East, St. Paul, Minnesota 55101-1638.

Signed: (Mayor, Chairman, etc.) Date (Date)
Point of Contact: (Name, Title, Address, Phone Number)

*St. Paul District, Corps of Engineers
Project Management Branch
190 5th Street East
St. Paul, Minnesota 55101-1638*

*Contact Person: Dave Loss
(651) 290-5435*

*email:
david.c.loss@usace.army.mil*

District internet page:
www.mvp.usace.army.mil



**US Army Corps
of Engineers**
St Paul District